

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

**VIRGIN ISLANDS HOUSING
FINANCE AUTHORITY,**

Plaintiff,

v.

**RUTH JOSEPH and UNITED STATES
DEPARTMENT OF AGRICULTURE
(Rural Development),**

Defendants.

Civil Action No. 2013-0086

UNITED STATES OF AMERICA,

Cross-Plaintiff,

v.

RUTH JOSEPH,

Cross-Defendant.

Attorneys:

Flavia E. Logie, Esq.,

St. Thomas, U.S.V.I.

For Plaintiff Virgin Islands Housing Finance Authority

Angela P. Tyson-Floyd, Esq.,

St. Croix, U.S.V.I.

For Defendant/Cross-Plaintiff United States of America

JUDGMENT AND ORDER

UPON CONSIDERATION of the “Motion for Default Judgment” filed by Plaintiff Virgin Islands Housing Finance Authority (“VIHFA”) against Defendant Ruth Joseph (“Joseph”) (Dkt. No. 30); the “Motion for Default Judgment against Ruth Joseph and Summary Judgment

against Virgin Islands Housing Finance Authority,” filed by Defendant/Cross-Plaintiff United States Department of Agriculture (Rural Development) (“United States”) (Dkt. No. 31); the entire record herein, and for the reasons stated in the Memorandum Opinion filed contemporaneously herewith, it is hereby

ORDERED, ADJUDGED, AND DECREED that VIHFA’s Motion for Default Judgment is **GRANTED**; and it is further

ORDERED, ADJUDGED, AND DECREED that the United States’ Motion for Default Judgment against Joseph is **GRANTED**; and it is further

ORDERED, ADJUDGED, AND DECREED that the United States’ Motion for Summary Judgment against VIHFA is **GRANTED**; and it is further

ORDERED, ADJUDGED, AND DECREED that the United States has a first priority lien on the Property, described in the Memorandum Opinion as:

Plot No. 169 Estate Carlton, West End Quarter, consisting of 0.2675 U.S. acre(s), more or less, as shown on OLG Drawing No. 5579-A dated September 29, 2005.

and it is further

ORDERED, ADJUDGED, AND DECREED that VIHFA’s lien on the Property is second in priority; and it is further

ORDERED, ADJUDGED, AND DECREED that the mortgage lien of the United States on the Property, VIHFA’s lien, and all other liens subsequent or inferior to the United States’ Mortgage are hereby **FORECLOSED**; and it is further

ORDERED, ADJUDGED, AND DECREED that Defendant Ruth Joseph and all persons claiming from or under her shall be forever barred and foreclosed from all rights of redemption and claims to the Property except for statutory redemption rights in accordance with 28 V.I.C. § 535; and it is further

ORDERED, ADJUDGED, AND DECREED that the United States is awarded final judgment against Defendant Ruth Joseph in the following amounts: \$97,398.93 in unpaid principal balance as of December 15, 2014; plus accrued interest from August 19, 2011 to December 15, 2014 in the amount of \$17,412.33; plus fees in the amount of \$10,007.79; for a total indebtedness of \$124,819.05; and it is further

ORDERED, ADJUDGED, AND DECREED that such indebtedness shall accrue interest at the rate of \$14.3430 per diem from December 16, 2014 until the date of entry of this Judgment, and thereafter interest will accrue at the statutory rate of four percent (4.000%) per annum from the date of entry of this Judgment until this Judgment is satisfied; and it is further

ORDERED, ADJUDGED, AND DECREED that, in accordance with 28 V.I.C. §§ 532 and 533, judgment is also hereby entered in favor of the subordinate lien-holding Plaintiff, VIHFA; and it is further

ORDERED, ADJUDGED, AND DECREED that Virgin Islands Housing Finance Authority is awarded final judgment against Defendant Ruth Joseph in the following amounts: \$20,947.63 in unpaid principal balance as of May 21, 2014; plus accrued interest in the amount of \$552.76; plus late fees in the amount of \$101.37; for a total indebtedness of \$21,601.76; and it is further

ORDERED, ADJUDGED, AND DECREED that such indebtedness shall accrue interest at the rate of \$0.5740 per diem from May 22, 2014 until the date of entry of this Judgment, and thereafter interest will accrue at the statutory rate of four percent (4.000%) per annum from the date of entry of this Judgment until this Judgment is satisfied; and it is further

ORDERED, ADJUDGED, AND DECREED that Virgin Islands Housing Finance Authority is also awarded final judgment against Defendant Ruth Joseph in the amount of

\$31,598.46 representing the amount due on the Federal HOME Program subsidy upon default by the Borrower; and it is further

ORDERED, ADJUDGED, AND DECREED that the Property shall be sold by the United States Marshal according to law at a judicially supervised sale and that the proceeds of such sale shall be applied first toward the expenses associated with such sale, including but not limited to the costs of publication and the commission assessed by the United States Marshal Service pursuant to 28 U.S.C. § 1921. The proceeds shall then be applied to satisfy the Judgment entered in this matter in favor of the first priority mortgage holder, the United States. The proceeds shall then be applied to satisfy the Judgment entered in this matter in favor of the second priority lien holder, VIHFA; and it is further

ORDERED, ADJUDGED, AND DECREED that any surplus remaining after the application of the proceeds as provided above shall be distributed in accordance with 5 V.I.C. § 489; and it is further

ORDERED, ADJUDGED AND DECREED that time is of the essence for the payment of all amounts in connection with the Marshal's Sale; and it is further

ORDERED, ADJUDGED, AND DECREED that:

1. Pursuant to 5 V.I.C. § 484, notice of the Marshal's Sale shall be posted for four weeks prior to the sale in a public place in or near the Office of the Clerk of Court; and published once a week for at least four consecutive weeks prior to the sale in a newspaper regularly issued and of general circulation in the U.S. Virgin Islands. The notice shall describe the Property as set forth above and shall contain the terms and conditions of sale as set forth herein.
2. The terms and conditions of the sale shall be as follows:

- a. The Property shall be seized and sold at public sale at the Office of the U.S. Marshal, 3013 Estate Golden Rock, Federal Building, Christiansted, St. Croix, U.S. Virgin Islands, in accordance with 28 U.S.C. §§ 2001 and 2002;
 - b. The United States may bid a credit against its judgment and interest thereon, plus any costs, fees, and expenses, without tender of cash. After satisfying the lien of the United States through the payment of cash, VIHFA may bid a credit against its lien thereon, without any tender of cash;
 - c. The terms of sale as to all other persons or parties bidding shall be cash. The successful bidder shall be required to deposit with the United States Marshal cash equal to ten percent (10%) of the bidder's total bid at or before 5:00 p.m. on the date of sale; and the remaining ninety percent (90%) of said purchase price shall be paid on or before 5:00 p.m. within thirty (30) days, inclusive, of the date of sale;
 - d. The successful bidder shall be responsible for the payment of stamp taxes, recording fees, and related charges associated with obtaining and recording a deed to the Property;
 - e. The United States Marshal shall make her report of sale within ten (10) days from the date of sale.
 - f. If no objections have been filed in writing with the Clerk of Court by 10:00 a.m. within fifteen (15) days, inclusive, from the date of sale, the sale shall be confirmed upon motion of the United States or the purchaser.
3. The United States and VIHFA shall have any and all writs necessary to execute the terms of this Judgment; and it is further

ORDERED, ADJUDGED AND DECREED that VIHFA shall be entitled upon proper application to Judgment against Ruth Joseph for any deficiency that may remain after the sale of

the Property and the distribution of proceeds to the first priority mortgage holder, the United States; and it is further

ORDERED, ADJUDGED AND DECREED that copies of this Judgment shall be directed to the Parties' counsel of record; and it is further

ORDERED, ADJUDGED AND DECREED that the Clerk of Court is directed to provide a copy of this Judgment to the U.S. Marshal for service on Defendant Ruth Joseph.

SO ORDERED.

Date: April 10, 2015

_____/s/_____
WILMA A. LEWIS
Chief Judge